SUPPORT FOR THE AMENDMENT

Support for the amendment to claim 20 is found beginning on page 6, line 22 through page 7, lines 3 and 10-11 of the specification. No new matter would be added to this application by entry of this amendment.

Upon entry of this amendment, claims 20-24 will remain active in this application.

REQUEST FOR RECONSIDERATION

The claimed invention is directed to a vaporization system comprising a vaporization promoting element and specific sesquiterpene alcohol comprising compositions wherein the composition is of a purity having no odor above a detectable threshold. Applicants have discovered that at a purity in which impurities are not above a detectable odor, the claimed sesquiterpene alcohols provide efficacy as autonomic nerve regulating agents, suitable for vaporization.

Applicants wish to thank examiner Gembeh and Supervisory patent examiner Marschel for the helpful and courteous discussion held with their U.S. representative on October 4, 2007. At that time, applicants' U. S. representative argued that the "no odor above a detectable threshold" claim limitation was a purity statement as to the composition and not a statement as to use. The following is intended to expand upon the discussion with the examiners.

The rejections of claims 20-24 under 35 U.S.C. 112, first paragraph enablement and second paragraph are respectfully traversed.

Applicants respectfully submit that the claimed invention could be practiced by those of ordinary skill in the art without undue experimentation and that the metes and bounds of the term "no odor above a detectable threshold" are sufficiently clear to enable those of ordinary skill in the art to determine whether they would infringe applicants' claims.

The examiner's rejection appears to be based on the recognition that different standard tests are used in Japan, the United States and Germany to measure olfactory **dysfunction** and that different tests suggests a racial distinction in odor detection.

Applicants respectfully submit that different tests exist based on cultural familiarity with specific odors and that familiarity is an important factor in correctly measuring olfactory dysfunction.

For example Hashimoto et al. states on page 565, column 2, "[S]ome odors included in these tests are **unfamiliar** to the Japanese and consequently the olfactory ability of Japanese subjects may not be measured correctly by these tests." This makes clear that familiarity with specific odors is important in measuring olfactory dysfunction and is not a statement as to differences in olfactory detection. The reference further notes that subjects with olfactory dysfunction had a difficult time identifying differences between the odor for Japanese orange and the odor for gas for cooker (page 570). Thus, the reference does not identify a cultural difference in the **ability to detect** odor but rather that difficulties in **articulating differences** in odors that are unfamiliar can lead to inaccurate testing of olfactory dysfunction.

Further, the relationship between odor receptors and the organization of the olfactory system was recognized in the award of the Nobel prize in medicine to Drs. Richard Axel and Linda B. Buck in 2004. Thus, odor detection is a physiological response of odor receptors to physical stimulation and any meaningful differences in the abilities of odor detection between racial groups having not been demonstrated.

Even further, even if there were a meaningful difference in olfactory detection between Japanese and other national/racial groups, the claims would still be enabled and definite as the claim limitation is merely a statement as to detected purity as measured by a quantified standard. Applicants have simply used a quantified standard based on the

olfactory detection of Japanese people. Standards based on olfactory detection of Japanese, United States and German peoples are equally enabled and definite.

However, in order to further clarify the meaning the claim term "no odor above a detectable threshold," applicants have amended to the claims to recite that the odor detection threshold is a result of the composition purity. Applicants amendment is not a narrowing of the claims for the purposes of patentability and should not limit interpretation of the claims under the doctrine of equivalents.

Withdrawal of the rejections under 35 U.S.C. §112, first and second paragraphs is respectfully requested.

The rejection of claim 20 under 35 U.S.C. § 103(a) over Feist et al. U.S. 4,659,493 is respectfully traversed.

Feist et al. fail to disclose or suggest a sesquiterpene alcohol containing composition which has no odor above a detectable threshold.

Feist et al. describe the preparation of wax-like masses by the addition of HF to fatty acid esters (column 2, lines 41-44). When the process conditions are "drastic," the oily product is identified as "sesquimers" (column 3, lines 3-14). While the sesquimers are identified as having better thermal stability compared with monomers and no odor, such does not suggest sesquiterpene alcohol compositions having no odor above a detectable threshold. Sesquimers are not sesquiterpene alcohols as claimed. As such, any properties of the synthesized sesquimer does not suggest any properties of a sesquiterpene alcohol containing composition.

Applicants further note example 5 in which the sesquiterpene alcohol eugenol is contained along with sesquimers and perfume oil. Such a composition makes clear that sesquimers are distinct from eugenol and that the compositions of example 5 would have **an**

odor above a detectable threshold as the perfume oil would appear to be functioning as a detectable fragrance.

As the reference fails to disclose or suggest the claimed sesquiterpene alcohol compositions having no odor above a detectable threshold, the claim is not obvious over this reference and withdrawal of the rejection under 35 U.S.C. §103 (a) is respectfully requested.

Applicants submit that this application is now in condition for allowance and early identification of such action is earnestly solicited.

Respectfully submitted,

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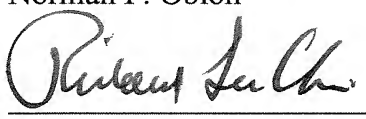

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